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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,097	06/14/2001	Anton Wellstein	102728-P01-004	3830

28120                      7590                      08/09/2006

FISH & NEAVE IP GROUP  
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EXAMINER

KOLKER, DANIEL E

ART UNIT                      PAPER NUMBER

1649

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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Table with 4 columns: APPLICATION NO./CONTROL NO., FILING DATE, FIRST NAMED INVENTOR / PATENT IN REEXAMINATION, ATTORNEY DOCKET NO.

EXAMINER

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20060622

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Commissioner for Patents

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide copies of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of the reference by Aigner et al. (Reference 14 on the IDS filed 20 July 2004). This is an abstract which was submitted to the AACR, a scientific meeting. Presentations at scientific meetings often disclose to the public considerably more than what is written in the abstract. For example, presentations can include a poster or slides, each depicting the same subject matter submitted in abstract form in considerably greater detail.

Applicant is required, in response to this requirement, to provide copies of any poster, slides, or similar such material that may have actually been presented to skilled artisan at the AACR meeting for which the Aigner et al. reference is an abstract. The sole inventor listed in this application is an author of the abstract by Aigner. If no oral, slide, or poster presentation was made at the scientific meeting, and the written abstract by Aigner in fact constitutes the entirety of the public disclosure at the AACR meeting, applicant should explicitly confirm this.

This requirement is deemed necessary for the examiner to determine the patentability of the invention now claimed. Aigner et al. disclose what appears to be an identical product, in that the reference teaches the same starting material (human fetal cDNA library), the same method of purification (panning with PTN), and identification of "a candidate receptor fragment . . . which is contained in the extracellular domain of an orphan transmembrane tyrosine kinase receptor." The specification discloses that a preferred method of obtaining the product now claimed is to screen a human fetal cDNA library by panning with PTN, and that this results in the claimed invention (see p. 18).

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Kolker whose telephone number is (571) 272-3181. The examiner can normally be reached on Mon - Fri 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on (571) 272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel E. Kolker, Ph.D.  
July 31, 2006



**JANET L. ANDRES**  
**SUPERVISORY PATENT EXAMINER**